

11-12-04

ATTORNEY DOCKET NO.: SEQ-4069-UT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROTH, et al.

Title: METHODS FOR IDENTIFYING RISK OF BREAST CANCER AND TREATMENTS THEREOF

Serial No.: 10/723,681

Docket No.: SEQ-4069-UT

Filed: November 25, 2003

Examiner: Unknown

Group Art Unit: 1632

Mail Stop Missing Parts
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

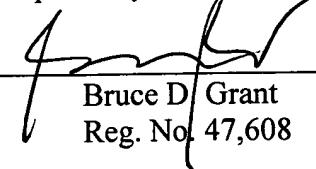
We are transmitting herewith the attached:

1. Copy of Notice to Comply with Requirements for patent Applications. . .;
2. Amendment in Response to Notice;
3. Communication regarding Notice to Comply;
4. Statement to Support Filing and Submission in Accordance with 37 CFR §§ 1.821-1.825;
5. **Three Compact Disks** containing Computer Readable Form which is identical to the compact disk sequence listing and labeled as: CRF, Copy 1 and Copy 2;
6. Petition for Extension of Time (1 Month) (1 page);
7. Form PTO 2038 for payment of the amount of \$55.00;
8. Fee Transmittal (in duplicate); and
9. Acknowledgement postcard (return addressed and postage prepaid).

Applicant claims small entity status under 37 C.F.R. 1.27.

Respectfully submitted,

Date 10 NOVEMBER 2004
BioTechnology Law Group
658 Marsolan Avenue
Solana Beach, CA 92075

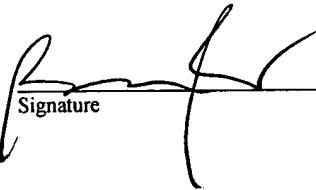

Bruce D. Grant
Reg. No. 47,608

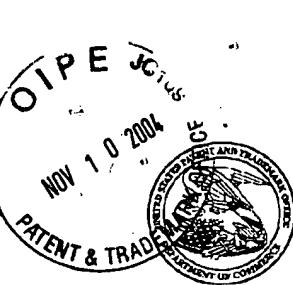
CERTIFICATE UNDER 37 CFR 1.10: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" on the date indicated below and is addressed to: Attn: Mail Stop Missing Parts, Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450.

DATE: November 10, 2004

Bruce D. Grant
Name

EXPRESS MAIL TRANSMITTAL NO.: ER 505060265 US


Signature



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/723,681	11/25/2003	Richard B. Roth	524592006900

25225
 MORRISON & FOERSTER LLP
 3811 VALLEY CENTRE DRIVE
 SUITE 500
 SAN DIEGO, CA 92130-2332

CONFIRMATION NO. 4510

FORMALITIES LETTER



OC000000013525164

Date Mailed: 08/12/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
 CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
 DISCLOSURES**

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- *This application is objected to because it contains a data file on compact disc, which is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. When portions of an application are contained on a compact disc, the paper portion of the specification must identify the*

compact disc(s) and list the files including name, file size, and creation date on each of the compact discs (see 37 CFR 1.52(e)). Applicant(s) are required to amend the specification to identify each disc and the files contained on the disc including the file name, file size, and file creation date.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROTH, et al.

Examiner: Unknown

Serial No.: 10/723,681

Group Art Unit: 1632

Filed: November 25, 2003

Docket: SEQ-4069-UT

Title: METHODS FOR IDENTIFYING RISK OF BREAST CANCER AND
TREATMENTS THEREOFCOMMUNICATION RE: NOTICE TO COMPLY WITH REQUIREMENTS

Mail Stop Missing Parts
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

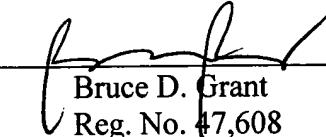
In response to the "Notice to Comply with Requirements..." please find the Sequence Listing and supporting documents along with a Petition for Extension of Time (1 month) and payment of \$55.00 fee for small entity compliance.

Applicants assume the application is now in proper order and in condition for examination. Please direct any inquiries to the undersigned attorney at 858 623-9470.

If there are any additional fees due or overpayment please contact the undersigned attorney at 858-623-9470.

Respectfully submitted,

Date 10 NOVEMBER 2004
BioTechnology Law Group
658 Marsolan Avenue
Solana Beach, CA 92075



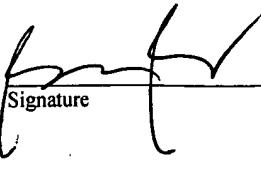
Bruce D. Grant
Reg. No. 47,608

CERTIFICATE UNDER 37 CFR 1.10: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" on the date indicated below and is addressed to: Attn: Mail Stop Missing Parts, Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450.

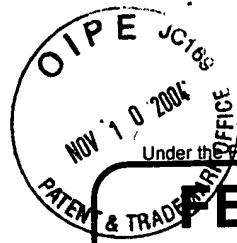
DATE: November 10, 2004

Bruce D. Grant
Name

EXPRESS MAIL TRANSMITTAL NO.: ER 505060265 US



Signature



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEET TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55.00)

Complete if Known

Application Number	10/723,681
Filing Date	November 25, 2003
First Named Inventor	ROTH, Richard B., et al.
Examiner Name	TBA
Art Unit	1632
Attorney Docket No.	SEQ-4069-UT

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
Deposit Account Name

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	X	=
Independent Claims	- 3** =	X	=
Multiple Dependent			=

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 0)		

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	55.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$ 55.00)			

(Complete if applicable)

Name (Print/Type)	Signature	Registration No. (Attorney/Agent)	Telephone
Bruce D. Grant		47,608	858-623-9470

Date Nov. 10, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Docket Number (Optional)
SEQ-4069-UT

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)



In re Application of Richard B. ROTH, et al

Application Number 10/723,681 Filed Nov. 25, 2003

For METHODS FOR IDENTIFYING RISK OF BREAST CANCER AND
TREATMENTS THEREOFGroup Art Unit
1632 Examiner
Not assigned yet

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows
(check time period desired):

<input checked="" type="checkbox"/>	One month (37 CFR 1.17(a)(1))	\$ <u>110.00</u>
<input type="checkbox"/>	Two months (37 CFR 1.17(a)(2))	\$ <u>400.00</u>
<input type="checkbox"/>	Three months (37 CFR 1.17(a)(3))	\$ <u>920.00</u>
<input type="checkbox"/>	Four months (37 CFR 1.17(a)(4))	\$ <u>1,440.00</u>
<input type="checkbox"/>	Five months (37 CFR 1.17(a)(5))	\$ <u>1,960.00</u>

Applicant claims small entity status. See 37 CFR 1.27. Therefore the fee amount shown above is reduced by one-half, and the resulting fee is: \$55.00.

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

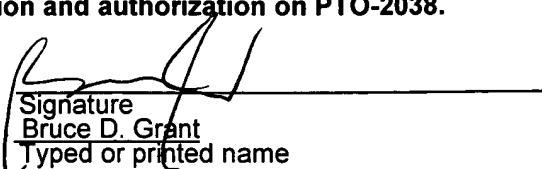
The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.
I have enclosed a duplicate copy of this sheet.

I am the

<input type="checkbox"/>	applicant/inventor
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
<input checked="" type="checkbox"/>	attorney or agent of record.
<input type="checkbox"/>	attorney or agent under 37 CFR 1.34(a).
<input type="checkbox"/>	Registration number if acting under 37 CFR 1.34(a) _____.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

November 10, 2004
Date


Signature
Bruce D. Grant
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231